

REMARKS

Claims 1, 2, 4-18, 21, 24, and 28-33 are pending. Claim 1 is amended to correct a formality where “% by weight” for 2,2’-MDI was omitted.

Claims 1-2, 4-18, 21, 24, and 28-33 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 00/05290 (“the Bolte application”). The standard for anticipation under 35 U.S.C. §102(b) is one of strict identity. An anticipation rejection requires a showing that each limitation of a claim be found in a single reference. *Atlas Powder Co. v. E.I. DuPont de Nemours & Co.*, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984). The current grounds for rejection of the claims can not stand because the Bolte application fails to disclose each and every limitation of the independent claims and therefore there can be no anticipation of the claims under 35 U.S.C. §102(b). The Bolte application, for example, does not disclose the use of monomeric asymmetrical diisocyanate that contains at least 95% by weight of diphenylmethane-2,4’-diisocyanate (2,4’-MDI) and less than 5% by weight of 4,4’-MDI and 2,2’-MDI, the 2,2’-MDI content being under 0.4% by weight. For at least this reason, the rejection should be withdrawn.

Furthermore, Claim 1 uses the transition phrase “consisting of”. Component A of the Bolte application teaches a two step reaction to achieve a low monomeric isocyanate product. *See*, for example, page 5, lines 24-30 of the Bolte application. The second stage of the process taught by the Bolte application utilizes a different difunctional diisocyanate than is used in the first stage. *See*, for example, page 8, line 26 to page 9, line 30 of the Bolte application. *See*, also the description at page 5, line 20 to page 6, line 8 which describes reacting a polyurethane polymer (made in a first stage) with additional isocyanate components (a second stage). The process of claim 1, in contrast, is a one step process. In other words, the Bolte application teaches that two steps are required to obtain a suitable low monomeric isocyanate product whereas the instant claims provide for a one step process. For at least this reason, the rejection should be withdrawn.

The rejections of independent claims 21, 24 and 28, as well as the claims that depend from these claims and claim 1 should be withdrawn for reasons analogous to those discussed for claim 1.

DOCKET NO.: HENK-0154 / H5344
Application No.: 10/755,702
Office Action Dated: August 24, 2007

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

Claims 1-2, 4-18, 21, 24, and 28-33 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of the Bolte application. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2143.

There is no motivation to modify the teachings of the Bolte application to arrive at any pending claims. No motivation is found, for example, to modify the teachings of the Bolte application to use the one step reaction to achieve a low monomeric isocyanate product recited in instant claim 1 rather than the two step process taught by the Bolte application. The art is further differentiated because the second stage of the process taught by the Bolte application utilizes a different difunctional diisocyanate than is used in the first stage. *See*, for example, page 8, line 26 to page 9, line 30 of the Bolte application.

Furthermore, it would not be obvious to just not carry out the second stage of the Bolte application because of the unexpectedness of being able to obtain a reactive polyurethane with a free monomeric isocyanate content of not more than 0.3% in such a one stage process. Bolte certainly does not teach or suggest that such a result might be possible and one skilled in the art would be led by the reference to believe that a two stage approach is necessary in order to lower the free isocyanate content of the product.

For at least these reasons, the instant claims are not obvious in view of the teachings of the Bolte application. Withdrawal of the rejection is respectfully requested.

The rejections of independent claims 21, 24 and 28, as well as the claims that depend from these claims and claim 1 should be withdrawn for reasons analogous to those discussed for claim 1.

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Applicants believe the foregoing constitutes a complete response to the Office Action and subsequent Communications. Further, Applicants submit that all pending claims are in condition for ready allowance. An early Office Action to that effect is, therefore, earnestly solicited.

Respectfully submitted,

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